

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 877 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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BARODA INDUSTRIAL GAS PVT LTD

Versus

JASWANTGIRI J GOSWAMI  
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Appearance:

MR. M.R. Mengde for SN SHELAT, Advocate for  
Petitioner.

MR. Shalin N. Mehta, for GIRISH PATEL,  
Advocate for Respondent.  
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CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 20/02/2002

ORAL JUDGEMENT

The petitioner in this petition has challenged the Award passed by the Labour Court, Baroda in Reference (LCV) No. 293 of 1982 and prayed for quashing and setting aside the said award. By way of an interim relief, the petitioner has prayed for stay against operation and implementation of the said award.

2. The Labour Court, vide its award dated 14.11.1990, has directed the petitioner-establishment to reinstate the respondent-workman with 75% of backwages. At the time of admission of this petition, this Court has not granted any relief against reinstatement. However, with regard to the backwages, this Court has directed that the petitioner would be at liberty to withhold 75% of the amount of backwages on condition that in case the petitioner loses in the petition the amount withheld by it would be paid to the respondent-workman with 15% interest within a period of one month from the date of disposal of the petition. This Court has further directed that 25% of the amount of backwages, for which permission to withhold was not granted, would be deposited with the Labour Court, Baroda, on or before March 15, 1995, and that if the amount was deposited with the Labour Court, the Labour Court would permit the workman to withdraw the same after proper verification and would pay the amount by account-payee cheque to the respondent-workman. At the time of hearing of this petition, it was stated by the learned advocate for the petitioner that the amount of 25% as directed by this Court was deposited with the Labour Court, Baroda, within the period so granted by this Court. After hearing both the parties represented by their learned advocates, a suggestion was made by this Court that if the award of the Labour Court is modified to the extent of reinstatement with backwages of 25%, this would be agreeable to the respective parties, and after due deliberations a consensus was arrived at between the parties. The following order is, therefore, passed.

3. The Award passed by the Labour Court in Reference (LCV) No. 293 of 1982 on 14-11-1990 is confirmed to the extent of order regarding reinstatement with backwages of 25%. Since the amount of 25% of the backwages is already deposited by the petitioner with the Labour Court, Baroda, it is directed that the respondent-workman be permitted to withdraw the said amount, if it is not withdrawn by him so far.

4. With the above observations, the petition is accordingly disposed of with no order as to costs. Rule is made absolute to the above extent.